

sentment, whether after verdict, by confession or otherwise, be stayed or reversed for the want of a proper or perfect venue, when the court shall appear by the indictment, inquisition or presentment, or by the statement of the venue in the margin thereof to have jurisdiction over the offense, nor for the omission or misstatement of the title, occupation or degree of the defendant or other person or persons named in the said indictment, inquisition or presentment nor, for the want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," nor for the insertion of the words "against the form of the statutes," instead of "against the form of the statutes," or *vice versa*, nor for omitting to state the time at which the offense was committed in any case where time is not of the essence of the offense, nor for stating the time imperfectly, nor for stating the offense to have been committed on a day subsequent to the finding of the indictment or making the presentment, or on an impossible day, or on a day that never happened, or by reason of any mere defect or imperfection in matters of form which shall not tend to the prejudice of the defendant, nor for any matter or cause which might have been a subject of demurrer to the indictment, inquisition or presentment.

*State v. Hughes*, 2 H & McH. 479. *State v. Dent*, 3 G. & J. 11. *Black v. State*, 2 Md. 379. *State v. Williams*, 5 Md. 84. *Cochran v. State*, 6 Md. 400. *Kellenbeck v. State*, 10 Md. 439. *Wedge v. State*, 12 Md. 232. *Cowman v. State*, 12 Md. 250. *State v. Reed*, 12 Md. 263. *Parrish v. State*, 14 Md. 238. *Clare v. State*, 30 Md. 176. *Deckard v. State*, 38 Md. 209. *Davis v. State*, 39 Md. 385. *Archer v. State*, 45 Md. 457. *Maguire v. State*, 47 Md. 494. *Costly v. State*, 48 Md. 177. *Barker v. State*, 50 Md. 168. *State v. Hodges*, 55 Md. 137. *State v. McNally*, 55 Md. 563. *Hawthorne v. State*, 56 Md. 530. *State v. Butler*, 72 Md. 98. *Avirett v. State*, 76 Md. 527. *State v. Edlavitch*, 77 Md. 144. *Acton v. State*, 80 Md. 551. *State v. Blakeney*, 96 Md. 713.

### Indictments—Conclusion of—Joinder of Counts.

1888, art. 27, sec. 287. 1860, art. 30, sec. 83. 1852, ch. 63, sec. 3.

**439.** All indictments for offenses forbidden by any statute or statutes, or for offenses the punishment of which is contained in the same clause of any statute with the prohibition of the offense, may conclude as for offenses at common law, and where any offense which is a misdemeanor at common law may have been made a felony by statute the misdemeanor shall not be